

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nobuhiko FUSHIMI, et al.
Appln. No.: 10/591,421
Confirmation No.: 3051
Filed: September 1, 2006

Docket No: Q96479
Group Art Unit: 1623
Examiner: Michael C. Henry

For: FUSED HETEROCYCLE DERIVATIVE, MEDICINAL COMPOSITION CONTAINING THE SAME, AND MEDICINAL USE THEREOF

RESPONSE TO ELECTION/RESTRICTIONS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the outstanding Election/Restrictions Requirement of June 24, 2009, five times extended to December 24, 2009 by an appropriate Petition for Extension of Time (five months) submitted herewith, please consider the following Response.

Applicants elect Group I, claims 1-18, 27-28 and 35. Election is without traverse.

In response to the species election requirement, Applicants elect the compound of Example 7 as the single species, this compound being included in claims 1-2, 4-5, 7-18 and 27-28.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Neevah J. Grinley #63,657
for Peter D. Olexy
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Date: December 23, 2009